

### **REMARKS/ARGUMENTS**

The Office Action of February 27, 2006 has been carefully reviewed and this paper is Applicant's response thereto. Claims 1-9 and 11-15 are pending in the application. Claims 1-4, 6, 12 and 15 are amended. Claims 1-9 and 11-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,463,304 to Smethers (Smethers). In response, Applicant respectfully traverse the rejections in view of the above amendments and the following remarks.

#### **Amended Claims**

Claims 1-4, 6, 12 and 15 are amended. Support for the amendments are found at least at page 6, line 4-13 and page 7, line 27 – page 8 line 2 of the original Specification, Paragraphs 24 and 28 of the Substitute Specification.

#### **Rejection under 35 U.S.C. §102(e) – Smethers**

Claims 1-15 were rejected as being anticipated by Smethers. Claims 1, 12 and 13 are independent claims.

Independent claim 1 recites “wherein an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being operable in a second mode comprising a second user depression sequence pattern of said individual key to provide a display of previously visited pages. . . .” In the office action, the Examiner argues that the claims are anticipated by Smethers, pointing to Col. 6, Ln. 35-50 as disclosing the above recited feature.

Turning to this section of Smethers, it appears that the Office Action is reading turning the mobile communication device on and operating the navigation key associated with a graphical representation of an application to get to the start page of that application as operating a key in a first mode to navigate between previously visited

pages, as recited by claim 1. It further appears that the Examiner considers the map of graphical representations of the resident applications as the “display of previously visited pages” of claim 1. However, Smethers fails to disclose a second mode of operation of the individual key. The “rocker” key used to display the map of graphical representations is different from the navigation keys used to actually launch the applications. Consequently, the key that is being used to navigate between the previously visited pages (the start pages of the applications) is not the same as that being used to provide the display of previously visited pages (map of graphical representations of applications) as required by the claims as amended. Therefore, Smethers fails to disclose the above recited limitation of claim 1. As Smethers fails to disclose all the features of claim 1, Smethers cannot be said to anticipate claim 1.

Claims 2-9 and 11 depend from claim 1 and are not anticipated by Smethers for at least the reasons discussed with respect to claim 1 and for the additional limitations recited therein. For example, claim 4, as amended, recites “wherein the first and second modes are selected by operating said individual key for relatively shorter and longer periods respectively.” The section of Smethers cited by the Examiner (Col. 4, Ln. 19-41) does not disclose any varying time period for operating a key, resulting in an individual key having a first and second mode. Consequently, it is not clear how the objections are supported by the reference. As such, Smethers cannot be said to anticipate claim 4 for at least this additional reason.

Independent claim 12 as amended recites “including operating an individual key of the device in a first mode to navigate between previously visited pages, operating the individual key in a second mode to provide a display of previously visited homepages.” The Office Action suggests that this is disclosed by Smethers in Col. 6, Ln. 23-30; 35-50. However, a “homepage” is a term of art that would not be construed to refer to an application in a mobile communication device. Consequently, a skilled person would not consider the feature of Smethers of a map of graphical representations of resident applications to map onto the feature of a display of previously visited homepages of

claim 12. Similarly, in independent claim 13, instead of “previously visited pages,” the claim recites “previously visited network addresses.” Again, a skilled person would not construe a start page of an application in a mobile communication device to be equivalent to a previously visited network address. Consequently, Smethers fails to disclose all the limitations of claims 12 and 13, and therefore these independent claims cannot be considered anticipated by Smethers.

Claims 14 and 15 depend from claim 12 and are not anticipated for at least the reasons discussed with respect to claim 12 and for the additional limitations recited therein. For example, claim 15 as amended recites “the method of claim 12, wherein the first mode includes pressing the individual key for a first period of time and the second mode includes pressing the key for a second period of time, the second period of time greater than the first period of time.” As noted above in regard to claim 4, there is no disclosure in Smethers that could possibly be interpreted to imply different time periods of operation of a key as recited in the claims. Applicant has reviewed the cited section of Smethers cited by the Examiner (Col. 9, Ln. 9-32) and has not been able to locate any alternative depression sequence pattern for a key, let alone a variation in periods of operation of a key that could result in an individual key having a first and second mode. Smethers does not teach or suggest varying the length of time that a key is pressed in order to select the operational mode of the key. As such, Smethers cannot be said to anticipate claim 15 for at least this additional reason.

**CONCLUSION**

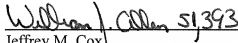
For these reasons, allowance is respectfully solicited.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

Dated: June 13, 2006

By:

  
Jeffrey M. Cox  
Registration No. 50,695

Banner & Witcoff, Ltd.  
10 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001